

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
vs.)	Criminal Action No. 2:01-00007-KD
)	
TABITHA BURKS GRAY,)	
)	
Defendant.)	

ORDER

This action is before the Court on the motion for reduction of sentence to time served pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) filed by Defendant Tabitha Burks Gray (doc. 471, under seal). Gray alleges that she meets the requirement of the current Policy Statement for Reduction of Term of Imprisonment under 18 U.S.C. § 3582(c)(1)(A) which provides that victims of abuse while in custody, if certain conditions are met, may be eligible for consideration of a reduction of sentence. U.S.S.G. 1B1.13. Specifically, the Policy Statement sets forth as follows:

(b) Extraordinary and Compelling Reasons. Extraordinary and compelling reasons exist under any of the following circumstances or a combination thereof: . . .

(4) Victim of Abuse. The defendant, while in custody serving the term of imprisonment sought to be reduced, was a victim of:

(A) sexual abuse involving a “sexual act,” as defined in 18 U.S.C. 2246(2) (including the conduct described in 18 U.S.C. 2246(2)(D) regardless of the age of the victim); or

(B) physical abuse resulting in “serious bodily injury,” as defined in the Commentary to § 1B1.1 (Application Instructions);

that was committed by, or at the direction of, a correctional officer, an employee or contractor of the Bureau of Prisons, or any other individual who had custody or control over the defendant.

For purposes of this provision, the misconduct must be established by a conviction in a criminal case, a finding or admission of liability in a civil case, or a finding in an administrative proceeding, unless such proceedings are unduly delayed or the defendant is in imminent danger.

U.S.S.G. § 1B1.13(b)(4).

Gray also states that in a previous Order, the Court “acknowledged” that she had provided proof of abuse (doc. 471, p. 2). The Court reviewed the record and did not find proof of abuse or any documentation that meets the requirements of paragraph (b)(4).

Accordingly, **on or before September 16, 2024, Gray shall supplement her motion** with documentation to establish the misconduct which supports her claim that she is entitled to consideration for a reduction of sentence as a victim of abuse. Specifically, Gray shall provide information regarding the court where the officer was convicted of a criminal offense and the date of conviction or the court which made a finding of liability or accepted an admission of liability in a civil case and the date of same, or the location and date of any administrative proceedings against the officer and the results of those proceedings.

On or before October 4, 2024, the United States shall respond and file any documentation in the United States’ possession, including the Bureau of Prisons, related to the above information.

DONE and ORDERED this 16th day of August 2024.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE